

# **United States District Court**

**EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA

vs.

TERRIE LYNN MITCHELL

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§

Case No. 4:06cr222.1  
(Judge Schell/Judge Bush)

## **REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 18, 2006 to determine whether the defendant violated her supervised release. The defendant was represented by Denise Benson. The Government was represented by Sam Cantrell.

On October 11, 2005, Defendant was sentenced by the Honorable Joe A. Fish to time served followed by a 2-year term of supervised release for the offense of Counterfeit Currency. On April 13, 2006, the defendant completed her period of imprisonment and began serving her supervised term.

On August 21, 2006, jurisdiction of this matter was transferred to the Eastern District of Texas. On October 25, 2006 the U.S. Probation Officer in the Eastern District of Texas filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) the defendant shall refrain from any unlawful use of a controlled substance; (2) the defendant shall refrain from excessive use of alcohol, and shall not purchase, possess, use, distribute, or administer any controlled substance or

paraphernalia that relates to such controlled substance, except as prescribed by a physician; (3) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (4) the defendant shall participate in a program approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse; and (5) the defendant shall participate in mental health treatment services as directed by the U.S. Probation Officer until successfully discharged.

The petition alleges that Defendant committed the following acts: (1) on May 22, 2006, June 14, 2006, and August 23, 2006, the defendant submitted urine specimens that tested positive for methamphetamine; (2) the defendant failed to report to the U.S. Probation Office on August 29, 2006, as instructed and failed to submit written monthly reports for the months of May 2006, June 2006, July 2006 and August 2006; (3) the defendant failed to participate in drug aftercare at Addiction Recovery Center in Lewisville, Texas, as instructed on June 19, 2006, July 12, 2006, August 2, 2006, August 9, 2006 and August 23, 2006 and was unsuccessfully discharged from services on September 11, 2006 for non-attendance; and (4) the defendant failed to participate in mental health aftercare with Dr. Ron Hughes, Ph.D., as instructed for the months of June and July 2006 and was unsuccessfully discharged from services on August 9, 2006 for non-attendance.

Prior to the Government putting on its case, Defendant entered a plea of true to all violations. At the hearing, the Court recommended that Defendant's supervised release be revoked.

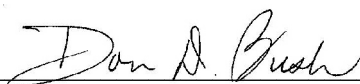
**RECOMMENDATION**

The Court recommends that the District Court revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day, with no further term of supervised release to follow, as agreed upon by the parties.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

**SIGNED this 19th day of December, 2006.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE